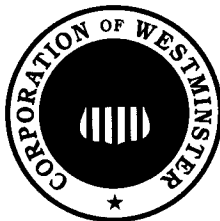

CITY OF WESTMINSTER

P.O. Box 710
Westminster, Maryland 21158



TELEPHONE
Local (410) 848-9000
Baltimore Line (410) 876-1313
Website: www.westgov.com

September 14, 2010

Mr. Thomas Beyard
Zoning Administrator
City of Westminster
56 West Main Street
Westminster, MD 21157

Re: Application for Zoning Text Amendment
Article IXC – Arts and Culture Overlay Zone
ZTA #10-2

Dear Tom:

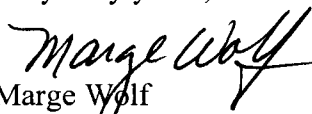
On behalf of the Mayor and Common Council, I hereby file this application to amend the text of Chapter 164 of the Westminster City Code to add a new Article IXC. The purpose of this text amendment is to create a new zoning category called the "Arts and Culture Overlay Zone", in keeping with the recommendations of the City's Arts and Culture Task Force.

The language of the text amendment is contained in the enclosed Ordinance No. 815. This application for text amendment was filed in accordance with the requirements of Section 164-176 of the Westminster City Code.

Please begin the process of consideration of this proposed text amendment as the earliest possible time.

Questions or concerns should be directed to my attention at 410-848-7967.

Very truly yours,


Marge Wolf
City Administrator

TB/
enclosure

ORDINANCE NO. 815

AN ORDINANCE AMENDING CHAPTER 164, "ZONING AND SUBDIVISION OF LAND", OF THE CODE OF THE CITY OF WESTMINSTER, TO ADD ARTICLE IXC, "ARTS AND CULTURE OVERLAY ZONE".

WHEREAS, pursuant to Article 23A of the Annotated Code of Maryland, §2(b) (30), the Mayor and Common Council of Westminster, Maryland (the "City") have the authority to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections; and

WHEREAS, pursuant to Sections 11 through 18 of the City Charter, the City has, for the purpose of promoting the health, security, general welfare and morals of the community, the authority to divide the City into zoning districts and to regulate therein the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, in accordance with a comprehensive plan and for enumerated purposes, which include the control and direction of municipal expansion and development, provided that such regulations are to be made with reasonable consideration of the character of the districts and their peculiar suitabilities for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, pursuant to the aforestated authority and the additional authority contained in Article 66B of the Annotated Code of Maryland, §4.01, *et seq.*, the City has enacted Chapter 164, "Zoning", of the City Code; and

WHEREAS, pursuant to Chapter 164, § 164-183, the City's Planning Commission is charged with reviewing proposed amendments to the text of that chapter and submitting a

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[Brackets]	:	Indicate matter deleted from existing law.

report and recommendation to the Mayor and Common Council with respect to such proposed amendments; and

WHEREAS, a proposal for a text amendment to the Chapter 164 of the City Code, to create a new zoning district to be known as the Arts and Culture Overlay District was submitted by Tri-Street Area Advisory Committee (“the Committee”), and presented to the City at a regular meeting of the Mayor and Common Council on June 14, 2010; and

WHEREAS, an amendment to the text of Chapter 164 of the City Code to incorporate the recommendation of the Committee was approved for introduction by the Mayor and Common Council at a regular meeting on or about September 13, 2010. The Planning Commission reviewed the text amendment and made its report and recommendation on October 14, 2010 and, on or about November 8, 2010, a public hearing relating to the proposed amendment was held, as required by Section 18 of the City Charter and § 164-186.1 of the City Code; and

WHEREAS, the proposed district is designed to encourage improvements to the lands and buildings contained within the Arts & Culture Overlay District, in order to promote an influx of art and cultural resources within the Tri-Street Neighborhood, and is intended to allow greater flexibility in land uses and standards than is provided by the underlying zones, in order to contribute to the vitality of downtown Westminster; and

WHEREAS, the City has determined that the public interest will be best served by the implementation of the recommendation of the Planning Commission to create the Arts and Culture Overlay District.

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[Brackets] : Indicate matter deleted from existing law.

NOW THEREFORE BE IT ENACTED AND ORDINANCE by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, be and is hereby amended to add Article IXC, "Arts and Culture Overlay District," to read as follows:

ARTICLE IXC. ARTS AND CULTURE OVERLAY DISTRICT.

§ 164-51.22. PURPOSE.

A. THE PURPOSE OF THE ARTS AND CULTURE OVERLAY DISTRICT IS TO FACILITATE IMPROVEMENTS TO LAND AND STRUCTURES WITHIN THE DISTRICT, AND TO ENCOURAGE ARTISTIC, CULTURAL AND CREATIVE RESOURCES THEREIN.

B. FOR USES NOT OTHERWISE PERMITTED IN THE UNDERLYING ZONE IN WHICH A PROPERTY IS LOCATED, THIS ARTICLE IMPOSES REQUIREMENTS IN ADDITION TO THOSE IMPOSED BY THIS CHAPTER UPON USES IN THE UNDERLYING ZONE.

C. THE OVERLAY DISTRICT IS DESIGNED TO ACHIEVE THE FOLLOWING GOALS:

1. TO PROMOTE DEVELOPMENT AND INTEREST IN THE DISTRICT.
2. TO ALLOW A MIX OF ARTISTIC, CULTURAL AND CREATIVE USES.
3. TO ALLOW FLEXIBILITY OF USES AND DEVELOPMENT STANDARDS.
4. TO IMPLEMENT AND COMPLEMENT THE GOALS OF THE 2009 TRI-STREET AREA ADVISORY COMMITTEE REPORT.

§ 164-51.23. DISTRICT DESIGNATED.

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THE ARTS AND CULTURE OVERLAY DISTRICT SHALL APPLY TO ALL PROPERTIES LOCATED WITHIN THE DISTRICT AS DESIGNATED ON THE CITY OF WESTMINSTER ZONING MAP AS “ARTS AND CULTURAL OVERLAY DISTRICT”.

§ 164-51.24. DEFINITIONS.

AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED:

A. “ART” OR “ARTISTIC WORK” -- WORKS OF BEAUTY OR OTHER SPECIAL AESTHETIC SIGNIFICANCE PRODUCED BY MEANS OF THE EXERCISE OF HUMAN CREATIVE SKILL, INCLUDING:

1. WRITTEN WORKS, SUCH BOOKS, POETRY, JOURNALISM, PLAYS OR SCREENPLAYS;
2. MULTI-MEDIA IMAGES GENERATED THROUGH THE USE OF COMPUTERS, SOFTWARE AND APPLICATIONS TO COMBINE TEXT, HIGH QUALITY SOUND, GRAPHIC AND ANIMATION OR VIDEO;
3. IMAGES, FORMS OR SOUNDS GENERATED FOR AESTHETIC REASONS RATHER THAN SOLELY FOR COMMERCIAL OR FUNCTIONAL USE, INCLUDING DRAWINGS, PAINTINGS, PRINTMAKING OR SCULPTURE, USING MATERIALS SUCH AS PAPER, PLASTER, STONE, GLASS, CLAY, WOOD, METAL, OR TEXTILE;
4. THE APPLICATION OF AESTHETIC DESIGNS TO EVERYDAY FUNCTIONAL OBJECTS, INCLUDING WORKS IN PHOTOGRAPHY, INDUSTRIAL DESIGN, GRAPHIC DESIGN, FASHION DESIGN OR INTERIOR DESIGN;
5. PERFORMANCE ART IN TRADITIONAL VARIETIES SUCH AS THEATRE,

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MUSIC, AND BALLET;

6. NEW MEDIA AND CONTEMPORARY FORMS OF EXPRESSION SUCH AS ASSEMBLAGE, COLLAGE, CONCEPTUAL, AS WELL AS PHOTOGRAPHY AND FILM-BASED IMAGES

B. "ARTIST LIVE/WORK SPACE" -- A SINGLE-FAMILY DWELLING UNIT IN WHICH UP TO 50% OF THE FLOOR AREA IS USED BY THE RESIDENT FOR THE PRODUCTION, SHOWING, AND SALE OF ART.

C. "ARTIST" OR "ARTISAN" -- A PERSON REGULARLY ENGAGED IN THE CREATION OF ART.

§ 164-51.25. ARTISAN WORKSHOP AND/OR GALLERY REQUIREMENTS:

A WORKSHOP FOR THE PRODUCTION OF ART OR FOR ART INSTRUCTION AND/OR A GALLERY FOR THE PERFORMANCE, DISPLAY AND/OR SALE OF ART IS PERMITTED IN THE ARTS AND CULTURE OVERLAY ZONE, PROVIDED THAT:

A. THE GROSS FLOOR AREA OF THE WORKSHOP OR GALLERY DOES NOT EXCEED 50% OF THE TOTAL SQUARE FOOTAGE OF THE PRINCIPAL DWELLING UNIT; AND

B. WORKS OF ART DISPLAYED, PERFORMED OR SOLD HAVE BEEN WRITTEN, COMPOSED, CREATED OR EXECUTED FOR LIMITED PRODUCTION AND NOT FOR INDUSTRY-ORIENTED DISTRIBUTION; AND

C. INSTRUCTION IN THE CREATION OF WORKS OF ART, OR IN MUSIC, DANCE, AND OTHER FORMS OF PERFORMANCE ART SHALL BE LIMITED TO A MAXIMUM OF (6) STUDENTS AT A TIME (INCLUDING THE NUMBER OF PERSONS

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WAITING ON THE PROPERTY TO RECEIVE SUCH INSTRUCTION); AND

D. THE WORK DISPLAYED, PERFORMED OR SOLD HAS BEEN WRITTEN, COMPOSED, CREATED OR EXECUTED OR THE INSTRUCTION GIVEN IN ART, MUSIC, DANCE OR OTHER FORMS OF PERFORMANCE ART IS PROVIDED BY A PERSON WHOSE PRIMARY RESIDENCE IS IN THE PREMISES; AND

E. SIGNAGE FOR THE WORKSHOP OR GALLERY MEETS THE FOLLOWING RESTRICTIONS:

1. THE PREMISES MAY HAVE NO MORE THAN:

A) ONE HANGING SIGN, WHICH MAY NOT EXCEED 3 SQUARE FEET IN AREA;

OR

B) ONE GROUND SIGN, WHICH MAY NOT EXCEED 4 SQUARE FEET IN AREA AND MAY NOT EXCEED 36 INCHES IN HEIGHT; AND

2. ALL SIGNAGE MUST BE APPROVED BY THE ZONING ADMISTRATOR. IN DETERMINING WHETHER OR NOT TO APPROVE A SIGN APPLICATION, THE ZONING ADMINISTRATOR SHALL FIND THAT THE PROPOSED SIGN WILL ACHIEVE A MAXIMUM DEGREE OF COMPATIBILITY WITH THE NEIGHBORHOOD AND WILL FURTHER THE INTERESTS OF EFFICIENCY AND ATTRACTIVENESS TO THE GREATEST PRACTICABLE EXTENT, IN CONSIDERATION OF THE FOLLOWING FACTORS:

A) TRAFFIC AND PEDESTRIAN SAFETY;

B) SIZE, CONFIGURATION, ELEVATION AND LOCATION OF THE PROPERTY;

C) EXISTING SIGNS ON NEIGHBORING PROPERTIES;

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D) AESTHETICS; AND

E) ANY OTHER FACTORS RELATING TO THE LOCATION, DESIGN, COMPOSITION AND SPECIFIC CHARACTER OF THE PROPOSED SIGN DEEMED APPROPRIATE BY THE ZONING ADMINISTRATOR.

Section 2 Be it further enacted and ordained by The Mayor and Common Council of Westminster that this Ordinance shall take effect (10) ten days after its passage and approval.

INTRODUCED this _____ day of September, 2010.

Margaret L. Wolf, City Administrator

PASSED this _____ day of _____, 2010.

Margaret L. Wolf, City Administrator

APPROVED this _____ day of _____, 2010.

Kevin R. Utz, Mayor

APPROVED AS TO FORM AND SUFFICIENCY
this _____ day of _____, 2010:

Elissa D. Levan, City Attorney

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